

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed February 2, 2010. At the time of the Office Action, Claims 1-33 were pending in this Application. Claims 1-33 were rejected. Independent Claims 1, 16, 17, and 19 are herein amended. Applicants respectfully request reconsideration and allowance of all pending claims.

Rejections under 35 U.S.C. § 112

Claims 8 and 26 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite due to the phrase “.. like a window for live presentation of a moderator or teacher ... or a window for presentation of graphics and/or ..., are provided.” (Office Action, page 5). Applicants have amended Claims 8 and 26 accordingly, and thus request that this rejection be withdrawn.

Claims 1, 16, 17, and 19 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite due to the limitation “TV decoder.” Specifically, the Examiner argues that “[t]he limitation is found to be vague because it is unclear as to whether the claimed TV decide is a tuner or a MPEG decoder. For compact prosecution purpose, the claimed TV decoder is interpreted to mean either a TV tuner or an MPEG decoder or both.” (Office Action, page 5).

Applicants traverse this rejection. The term “TV decoder” is used consistently throughout the specification, and the specification explains functions of the TV decoder. One of ordinary skill in the art would have understood the term “TV decoder” to mean any suitable type of TV decoder, e.g., a tuner, MPEG decoder, or any other suitable TV decoder. Thus, Applicants need not limit the recited “TV decoder” to a specific type of tuner or a MPEG decoder, as requested by the Examiner. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Amended Independent Claims 1, 16, 17, and 19 are Allowable.

Claims 1-6, 7-18, 20, 22 and 26-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 7,161,934 issued to Luiz Buchsbaum et al. (“*Buchsbaum*”) and further in view of U.S. Patent 7,380,260 issued to James A. Billmaier et al. (“*Billmaier*”) and further in view of U.S. Patent Application Publication No. 2002/0133405 filed by Scott G. Newnam (“*Newnam*”)

Claims 19, 21 and 23-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Buchsbaum* in view of *Billmaier*.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

Although Applicants do not necessarily agree with the Examiner’s rejections, Applicants have amended independent Claims 1, 16, 17, and 19 in order to advance prosecution of this application. Applicants respectfully submit that the cited references (*Buchsbaum*, *Billmaier*, and *Newnam*), alone or in combination, do not teach the invention(s) recited in amended independent Claims 1, 16, 17, and 19.

For example, amended Claim 1 recites:

1. A method for information exchange, comprising the steps of :

- operating an information exchange system including a production studio coupled to remote data processing equipment by both (a) a satellite connection and (b) a non-satellite connection separate from the satellite connection;

- producing information transmissions in a broadcast standard, the information transmission including (a) a real-time video stream and (b) non-video data;

- sending the information transmissions live from the production studio;

- digitizing the sent information transmissions and then transmitting the digitized information transmissions via the satellite connection as IP multicast packets;

- receiving the information transmission by a TV decoder and feeding them into a data and/or communications network for delivery to the remote data processing equipment;

- displaying the information transmission received via the satellite at a display device of the remote data processing equipment, including displaying both (a) the satellite-transmitted real-time video stream and (b) the satellite-transmitted non-video data;

- receiving via a user input of the remote data processing equipment user interaction with the satellite-transmitted non-video data displayed at the display device of the remote data processing equipment; and

- transmitting the user interaction with the satellite-transmitted non-video data from the remote data processing equipment to the production studio via the non-satellite connection, such that a real-time interactive communication is established between the satellite-transmitted information transmission and the non-satellite-transmitted user interaction.

Buchsbaum, Billmaier, and Newnam do not teach the limitations of Claim 1 highlighted above. For example, *Buchsbaum, Billmaier, and Newnam* do not teach (a) transmitting a real-time video stream and non-video data from a production studio by satellite, (b) displaying at remote data processing equipment both the real-time video stream and the non-video data received via satellite, (c) receiving user interaction with the satellite-transmitted non-video data displayed to the user, and (d) transmitting the user interaction with the satellite-transmitted non-video data from the remote data processing equipment to the

production studio via a non-satellite connection. More specifically, *Buchsbaum*, *Billmaier*, and *Newnam* do not teach displaying to a remote user real-time video stream and non-video data received via satellite, and **transmitting user interaction with the displayed satellite-transmitted non-video data from the user's remote location to the production studio via a non-satellite connection.**

The main reference relied on by the Examiner, *Buchsbaum*, teaches a system including (a) a downstream satellite link for sending IP multicast transmissions from an upstream network 1 to multiple clients 32 and (b) a number of upstream non-satellite return channels 5. *Buchsbaum* teaches that the upstream non-satellite return channels 5 may be used for confirming receipt of the IP multicast by a client 32, and for receiving start and end times for the client's reception of the IP multicast (for billing purposes). (e.g., col. 2, line 63 to col. 3, line 21; and col. 5, lines 42-54). *Buchsbaum* does not teach transmitting both real-time video stream and non-video data in the satellite-transmitted IP multicast, much less displaying both real-time video stream and non-video data to the client 32. Thus, it follows that *Buchsbaum* also does not teach user interaction with satellite-transmitted non-video data of the IP multicast. Further, *Buchsbaum* also cannot teach transmitting a user interaction with satellite-transmitted non-video data from the client 32 to the upstream network 1 via return channels 5.

Buchsbaum's teaching of confirming receipt of the IP multicast, and sending start and end times for the client's reception of the IP multicast, via the return channels 5 falls well short of teaching to display both real-time video stream and non-video data received via satellite to a client 32, receiving user interaction with satellite-transmitted non-video data at the client 32, and transmitting such user interaction with satellite-transmitted non-video data from the client 32 to the upstream network 1 via return channels 5. *Buchsbaum* simply does not teach these elements recited in amended Claim 1. In addition, *Billmaier* and *Newnam* also do not teach these elements of amended Claim 1.

Therefore, for at least these reasons, Applicants respectfully request reconsideration and allowance of amended Claim 1, as well as all claims that depend therefrom. In addition, for similar reasons, Applicants respectfully request reconsideration and allowance of amended independent Claims 16, 17, and 19, as well as all claims that depend therefrom.

CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of all pending Claims.

Applicants authorize the Commissioner to charge \$130 for a one-month extension of time to Deposit Account No. 50-4871 of King & Spalding L.L.P. Applicants believe there are no other fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,
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